

CALIFORNIA DEPARTMENT OF REAL ESTATE
RE-NOTICE and RESETTING OF ANNUAL FEE REVIEW
BY THE REAL ESTATE COMMISSIONER

Barbara J. Bigby, Acting Real Estate Commissioner, proposes to consider whether the fees charged by the Department should be lower than the maximum amount allowed pursuant to California Business and Professions Code (hereinafter the "Code") Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011. The Acting Commissioner's consideration will include all comments, objections and recommendations regarding such fees.

DETERMINATION OF FEE AMOUNTS

Sections 10226 and 11011 of the Code require, among other things, that the Commissioner hold at least one regulation hearing each calendar year to determine if fees lower than those authorized under Section 10226.5 (b) of the Code should be prescribed. The hearing referred to below shall serve as the regulation hearing for the purpose of satisfying the requirement of Sections 10226 (a) and 11011(a) of the Code. The Department of Real Estate may present, at this hearing, relevant data compiled by the Department, and other sources, if appropriate, that have been used or which the Commissioner may use in making the determination if fees should be lower. The Acting Commissioner does not propose to adopt, amend and/or repeal any sections of the California Code of Regulations (CCR) at this time. However, she wishes to consider all comments, objections and recommendations regarding such fees.

PUBLIC HEARING

The Acting Commissioner or her representative will hold a public hearing starting at 10:00 a.m., on December 6, 2011, at the Department of Real Estate Examination Room, located at 2200 X Street, Suite 120B, Sacramento, California. (The hearing originally scheduled for October 24, 2011, at the same location, is continued to this date in order to eliminate a scheduling conflict.) The Examination Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony to the Acting Commissioner.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action to the Commissioner. The written comment period closes on December 6, 2011 (an extension of the original deadline of October 24, 2011). All written comments must be received by 5:00 p.m. on that date at the Department's Sacramento Office as

follows:

Daniel E. Kehew, Real Estate Counsel
Department of Real Estate
2201 Broadway
Sacramento, CA 95818

Telephone: (916) 227-0425

Backup contact person for this proposed action is Mary Clarke at (916) 227-0780.

AUTHORITY AND REFERENCE

Business and Professions Code Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

No regulations are proposed to be adopted, amended or repealed.

EFFECT ON SMALL BUSINESS

There are no proposed regulatory actions to effect small business.

DISCLOSURES REGARDING THE PROPOSED ACTION

There are no proposed regulatory actions requiring disclosures.

CONSIDERATION OF ALTERNATIVES

There are no proposed regulatory actions requiring consideration of alternatives.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Daniel E. Kehew, Real Estate Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0425

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INTERNET SITE

There is no Statement of Reasons or text of proposed regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

There is no changed or modified text.

COMPLIANCE WITH GOVERNMENT CODE SECTION 11346.4(a)(1) THROUGH (4)

The Department of Real Estate will mail or deliver a copy of this Notice of Proposed Action by the Real Estate Commissioner to the Department's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with the Department.
2. The Director of the Department. (The Real Estate Commissioner and the Secretary of the Business, Transportation and Housing Agency).
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. The Department has no way of knowing which licensees are small businesses.
4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).
5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment.

DATED: _____

Barbara J. Bigby
Acting Real Estate Commissioner
